

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8407 of 1998

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SAWLANI EXPORTS

Versus

UNION OF INDIA  
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Appearance:

M/S TRIVEDI & GUPTA for Petitioners

MR PB MAJMUDAR for Respondent No. 1

MR MUKESH R SHAH for Respondent No. 2, 3  
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CORAM : MR.JUSTICE C.K.THAKKER and

MR.JUSTICE C.K.BUCH

Date of Order: 13/07/1999

ORAL ORDER

Rule. Mr. Mukesh R. Shah appears and waives service of Rule on behalf of the respondents. In the facts and circumstances of the case, the petition is taken up for final hearing today.

This petition is filed for appropriate writ, order or direction quashing and setting aside the order passed by the Assistant Director General of Foreign Trade on July 3, 1998 rejecting revalidation of the licences. The said order reads as under :

"Gentlemen,

With reference to your application No. Nil dated

6.5.98 on the subject mentioned above, I am to inform you that your request has been considered in this office and it has been decided to reject the same."

The case of the petitioner was that it is a partnership firm engaged in the business of export of textile fabrics under the provisions of the Export Import Policy 1992-97. A licence was granted for availing benefit of export and

import policy. But as against the licence, the licence holder was permitted to import goods free of import duty . Out of 17 licences, petitioner No.1 availed import against four licences but before remaining licences could be transferred or import be effected, a search was carried out by the customs officers. Licences granted in favour of petitioner No. 1 were seized during the search which was carried out. On completion of investigation, a show cause notice came to be issued by the competent authority in respect of four licences which had already been utilised. The case of the petitioners was that in these circumstance, remaining licences could not be utilised. Finally, licences were returned to the petitioners. But in view of the fact that period was over, an application was made for revalidating those licences. The said application is dated May 6,1998 at Annexure 'D' to the petition in which it was inter alia stated that there was no fault on the part of licence holder and that prayer was made to invoke provisions of clause 4.14 of the Export Import Policy and to revalidate the licences . As stated in the impugned order, without application of mind and without affording any opportunity of hearing and/or recording reasons, the said application came to be rejected by a laconic order. Various contentions were raised by Mr. Gupta for the petitioners . In the facts and circumstances of the case,however, we do not decide all the contentions. It would be in the interest of justice if we set aside the laconic order passed by the authority and direct the competent authority to apply its mind to the facts and circumstances of the case and pass an appropriate order considering the facts and circumstances . On this short ground and without entering into larger question, the petition deserves to be allowed. Rule is made absolute to the aforesaid extent. No order as to costs.

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